

Exhibit 5

Filed in The District Court
of Travis County, TexasAR APR 01 2022
At 3:00 P.M.
Velva L. Price, District Clerk

D-1-GN-18-001605

MARCEL FONTAINE,
Plaintiff

VS.

ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
KIT DANIELS,
Defendants§
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IN DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

459th DISTRICT COURT

**ORDER ON PLAINTIFF'S MOTION FOR SANCTIONS REGARDING CORPORATE
DEPOSITION**

On this day, the Court considered Plaintiffs' Motion for Sanctions concerning corporate deposition. The Court finds that Defendants willfully failed to comply with their obligation to prepare the corporate designee. Defendants' willful obstruction is greatly aggravated by their numerous prior failures to prepare a corporate designee in the other defamation cases pending before this Court, and further aggravated by the numerous discovery orders and sanctions entered in this case due to Defendants' longstanding refusal to participate in discovery in good faith.

The Court therefore ORDERS that sanctions be assessed Defendants, including the following remedies allowed under Rule 215:

☒ an order charging all of the expenses of discovery or taxable court costs against the Defendants.

☒ an order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order; to wit:

The jury shall be instructed that any disputes of fact over the following topics shall be taken as established in favor of the Plaintiff:

1. The company's policies regarding the factual vetting of information, including policies for the training or discipline of employees regarding the factual vetting of information, from February 2018 to the present.
2. The company's policies regarding the use of anonymous social media content, from February 2018 to the present.
3. The company's position as of February 2018 regarding the reliability of information posted on 4chan and any facts or knowledge informing that position.
4. Analytics for the number of page views for Mr. Daniel's article received by Free Speech Systems, LLC on February 14-15, 2018.
5. Analytics for the number of page views for Mr. Daniel's article received by Free Speech Systems, LLC after a retraction was posted on the article on April 2, 2018.
6. The company's knowledge of the plaintiff.
7. The company's efforts to preserve evidence for this case.
8. The company's net worth.

~~X~~ Defendants shall pay a punitive monetary sanction of \$ _____
within 30 days of this order.

Defendant shall also pay reasonable costs and expenses relating to the deposition and Plaintiff's Motion. Plaintiff is ordered to submit an itemization of his costs and expenses to Defendants. If Defendants cannot agree to the amount, Plaintiff shall submit evidence to the Court of the reasonable value of his costs and expenses.

Dated March 31, 2021.


Hon. Maya Guerra Gamble